# REPORT OF THE AUDIT OF THE CAMPBELL COUNTY CLERK

For The Year Ended December 31, 2003



### CRIT LUALLEN AUDITOR OF PUBLIC ACCOUNTS

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#### **EXECUTIVE SUMMARY**

### AUDIT EXAMINATION OF THE CAMPBELL COUNTY CLERK

### For The Year Ended December 31, 2003

The Auditor of Public Accounts has completed the Campbell County Clerk's audit for the year ended December 31, 2003. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

#### **Financial Condition:**

Excess fees increased by \$85,395 from the prior calendar year. Revenues increased by \$131,101 from the prior year and disbursements decreased by \$45,706.

The financial statement of the Campbell County Clerk's 75% fund shows receipts of \$1,534,486, and disbursements of \$1,351,348 resulting in a fund balance of \$183,138 as of December 31, 2003. The 25% county government fund had receipts and disbursements of \$405,171 resulting in a zero fund balance as of December 31, 2003.

#### **Report Comments:**

- County Clerk Employees Processing Mail In Registrations Should Have No Access To Cash
- County Clerk's Bank Account Has A Deficit Balance

#### **Deposits:**

The Clerk's deposits were insured and collateralized by bank securities or bonds.

#### **Fraud Allegations:**

During 2003, an employee in the County Clerk's office resigned due to allegations of fraud. The discovery was made internally in the Clerk's office that the former employee was "lapping" transactions totaling at least \$3,772.

The auditor agreed with the Clerk's findings and expanded the testing of transactions made by the former employee. It was discovered that one payment totaling \$55 was deposited before the work was processed into the Clerk's system. Therefore, transactions totaling at least \$3,827 were "lapped," and at least \$3,827 in cash was not deposited into the County Clerk's bank account.

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### AUDITOR OF PUBLIC ACCOUNTS

The Honorable Steven Pendery, Campbell County Judge/Executive The Honorable Jack Snodgrass, Campbell County Clerk Members of the Campbell County Fiscal Court

#### **Independent Auditor's Report**

We have audited the accompanying statement of revenues and expenditures - regulatory basis of the County Clerk of Campbell County, Kentucky, and the statement of revenues, expenditures, and fund balances of the County Clerk's operating fund and county fund with the State Treasurer - regulatory basis for the year ended December 31, 2003. These financial statements are the responsibility of the County Clerk. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the County Clerk prepares the financial statements on a prescribed basis of accounting that demonstrates compliance with the modified cash basis and laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the revenues, expenditures, and fund balances of the County Clerk's operating fund and county fund with the State Treasurer for the year ended December 31, 2003, in conformity with the regulatory basis of accounting.

The schedule of excess of liabilities over assets is presented for purposes of additional analysis and is not a required part of the financial statements. Such information has been subjected to auditing procedures applied in the audit of the financial statements and, in our opinion, is fairly stated in all material respects in relation to the financial statements taken as a whole.



The Honorable Steven Pendery, County Judge/Executive The Honorable Jack Snodgrass, Campbell County Clerk Members of the Campbell County Fiscal Court

In accordance with <u>Government Auditing Standards</u>, we have also issued our report dated May 3, 2004, on our consideration of the County Clerk's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grants. That report is an integral part of an audit performed in accordance with <u>Government Auditing Standards</u> and should be read in conjunction with this report in considering the results of our audit.

Based on the results of our audit, we have presented comments and recommendations, included herein, which discusses the following report comments:

- County Clerk Employees Processing Mail In Registrations Should Have No Access To Cash
- County Clerk's Bank Account Has A Deficit Balance

This report is intended solely for the information and use of the County Clerk and Fiscal Court of Campbell County, Kentucky, and the Commonwealth of Kentucky and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

Crit Luallen

**Auditor of Public Accounts** 

Audit fieldwork completed -May 3, 2004

## CAMPBELL COUNTY JACK SNODGRASS, COUNTY CLERK STATEMENT OF REVENUES AND EXPENDITURES - REGULATORY BASIS

#### For The Year Ended December 31, 2003

R	ev	en	ues	

State Fees For Services			\$ 39,092
Fiscal Court			107,559
Licenses and Taxes:			
Motor Vehicle-			
Licenses and Transfers	\$	1,574,502	
Usage Tax		8,141,103	
Tangible Personal Property Tax		6,348,719	
Licenses-			
Marriage		25,821	
Deed Transfer Tax		302,588	
Delinquent Taxes		548,750	16,941,483
Fees Collected for Services:			
Recordings-	Φ	40.024	
Deeds, Easements, and Contracts	\$	40,934	
Real Estate Mortgages		128,689	
Chattel Mortgages and Financing Statements		165,040	
Notary Bonds		21,239	
Lien Fees and Duplicates		25,510	
Powers of Attorney		3,333	
All Other Recordings		392,812	
Leases		99	
Charges for Other Services-			
Bail Bonds		714	
Copywork		75,874	
Postage		52,919	
PVA Reimbursement		69,720	
Miscellaneous		14,839	991,722
Undeposited Receipts			3,116
Interest Earned			1,325
Total Revenues			\$ 18,084,297

# CAMPBELL COUNTY JACK SNODGRASS, COUNTY CLERK STATEMENT OF REVENUES AND EXPENDITURES - REGULATORY BASIS For The Year Ended December 31, 2003 (Continued)

#### **Expenditures**

Payments to State:					
Motor Vehicle-	Ф	1 106 014			
Licenses and Transfers	\$	1,196,014			
Usage Tax		7,896,380			
Tangible Personal Property Tax		1,905,878			
Licenses, Taxes, and Fees-		70.549			
Delinquent Tax Legal Process Tax		79,548	\$	11 151 010	
Legal Plocess Tax		73,998	Ф	11,151,818	
Payments to Fiscal Court:					
Tangible Personal Property Tax	\$	508,921			
Delinquent Tax		59,559			
Deed Transfer Tax		287,459		855,939	
Payments to Other Districts:					
Tangible Personal Property Tax	\$	3,743,908			
Delinquent Tax		273,500		4,017,408	
Payments to Sheriff				5,114	
Payments to County Attorney				86,617	
Refunds of Overpayments				18,207	
Total Allowable Expenditures					\$ 16,135,103
Net Revenues					\$ 1,949,194
Payments to State Treasurer:					
75% Operating Fund			\$	1,534,486	
25% County Fund			Ψ	405,171	1,939,657
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Balance Due at Completion of Audit					\$ 9,537
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# CAMPBELL COUNTY JACK SNODGRASS, COUNTY CLERK STATEMENT OF REVENUES, EXPENDITURES, AND FUND BALANCES OF THE COUNTY CLERK'S OPERATING FUND AND COUNTY FUND WITH THE STATE TREASURER - REGULATORY BASIS

#### For The Year Ended December 31, 2003

	75% 25% Operating County Fund Fund		County		Totals
Fund Balance - January 1, 2003	\$	\$		\$	
Revenues					
Fees Paid to State - Operating Funds (75%) Fees Paid to State - County Funds (25%)	1,534,486		405,171		1,534,486 405,171
Total Funds Available	\$ 1,534,486	\$	405,171	\$	1,939,657
Expenditures					
Campbell County Fiscal Court	\$	\$	405,171	\$	405,171
Personal Services- Official's Statutory Maximum Official's Training Incentive Official's Expense Allowance Deputies Salaries Part-Time Salaries Overtime Gross Employee Benefits-	81,968 3,036 3,600 652,732 18,046 53,531				81,968 3,036 3,600 652,732 18,046 53,531
Employer's Share Social Security Employer's Share Retirement Employer's Paid Health Insurance Contracted Services- Printing, Binding, and Advertising	57,856 54,636 131,010 9,922				57,856 54,636 131,010 9,922
Materials and Supplies- Office Supplies Phone and Paging Computer Equipment and Programming	43,397 55,274 105,350				43,397 55,274 105,350
Other Charges- Travel Advertising Bonds and Insurance	7,221 8,864 25,339				7,221 8,864 25,339

CAMPBELL COUNTY
JACK SNODGRASS, COUNTY CLERK
STATEMENT OF REVENUES, EXPENDITURES, AND
FUND BALANCES OF THE COUNTY CLERK'S OPERATING FUND
AND COUNTY FUND WITH THE STATE TREASURER - REGULATORY BASIS
For The Year Ended December 31, 2003
(Continued)

	75%		25%	
	Operating		County	
	Fund		 Fund	 Totals
Expenditures (Continued)				
Other Charges (Continued)				
Copier	\$	6,679	\$	\$ 6,679
Dues, Memberships, and Conventions		3,319		3,319
Postage		22,619		22,619
Delivery Charges		1,949		1,949
Maintenance		194		194
Miscellaneous		4,806	 	 4,806
Total Expenditures	\$	1,351,348	\$ 405,171	\$ 1,756,519
Fund Balance - December 31, 2003	\$	183,138	\$ 0	\$ 183,138

### CAMPBELL COUNTY NOTES TO THE FINANCIAL STATEMENTS

December 31, 2003

#### Note 1. Summary of Significant Accounting Policies

#### A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of revenues over expenditures to facilitate management control, accountability, and compliance with laws.

#### B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount due from the County Clerk as determined by the audit.

KRS 64.350 establishes that a fee official in counties with a population over 70,000 has two funds with the State Treasurer for the deposit of fees collected. Seventy-five percent (75%) of the fees collected is deposited in a County Clerk's operating fund and used for office expenses of the fee official. The remaining twenty-five percent (25%) of fees collected is deposited to the county fiscal court fund and paid to the fiscal courts, urban-county governments, or consolidated local governments of the respective counties quarterly no later than April 15, July 15, October 15, and January 15. These funds are closed at the end of each official term by paying the balances to the respective county government.

The financial statements have been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting, revenues and expenditures are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive), at December 31:

- Interest receivable
- Collection on accounts due from others for 2003 services
- Reimbursements for 2003 activities
- Payments due other governmental entities for December tax and fee collections
- Payroll expenditures incurred but not paid
- Payments due vendors for goods or services provided in 2003

The Attorney General issued a letter which stated that some revenues of the fee official offices could be considered reimbursed expenses. All reimbursed expenses are included as revenue in the 75 percent fund.

CAMPBELL COUNTY NOTES TO THE FINANCIAL STATEMENTS December 31, 2003 (Continued)

Note 1. Summary of Significant Accounting Policies (Continued)

#### C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the County Clerk's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

#### Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a multiple-employer public retirement system that covers all eligible full-time employees. Benefit contributions and provisions are established by statute. Nonhazardous covered employees are required to contribute 5.0 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 6.34 percent for the first six months and 7.34 percent for the last six months of the year.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65. Aspects of benefits for hazardous employees include retirement after 20 years of service or age 55.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report which is a matter of public record.

#### Note 3. Deposits

The County Clerk maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). According to KRS 64.480(1)(d) and KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the County Clerk and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. These requirements were met, and as of December 31, 2003, the County Clerk's deposits were fully insured or collateralized at a 100% level with collateral of either pledged securities held by the County Clerk's agent in the County Clerk's name, or provided surety bonds which named the County Clerk as beneficiary/obligee on the bonds.

CAMPBELL COUNTY NOTES TO THE FINANCIAL STATEMENTS December 31, 2003 (Continued)

#### Note 4. Bond Account

During 2003, the County Clerk maintained a bond account. When a mechanic's lien is filed, funds can be deposited into this account until the dispute has been settled. This account had a beginning balance of \$39,857. Funds totaling \$6,000 were deposited during the year and interest earned during the year totaled \$110. Total funds expended during the year totaled \$6,000 leaving an unexpended balance of \$39,967.

#### Note 5. Fraud Allegations

During 2003, an employee in the County Clerk's Office was dismissed from work. A discovery was made internally in the Clerk's office that the former employee was apparently "lapping" transactions totaling approximately \$3,772. "Lapping" daily transactions, or depositing one customer's payment and recording the transaction at a later date, created an overage of daily receipts in the Clerk's cash register.

The auditor agreed with the Clerk's findings and expanded the testing of transactions made by the former employee. The auditor discovered an additional payment of \$55, which was deposited before the work was processed into the Clerk's system. Therefore, transactions totaling at least \$3,827 were "lapped," and at least \$3,827 in cash was not deposited into the County Clerk's bank account.

893,269

\$

## CAMPBELL COUNTY JACK SNODGRASS, COUNTY CLERK SCHEDULE OF EXCESS OF LIABILITIES OVER ASSETS - REGULATORY BASIS

#### December 31, 2003

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**Total Paid Obligations** 

Cash in Bank Deposits in Transit Receivables		\$ 790,181 104,009 5,527
Total Assets		\$ 899,717
<u>Liabilities</u>		
Paid Obligations:		
Outstanding Checks	\$ 25,593	
State Treasurer-		
Motor Vehicle Licenses	45,021	
Usage Tax	22,587	
Tangible Personal Property Tax	173,582	
Legal Process Tax	5,515	
Delinquent Tax	6,344	
Campbell County-		
Tangible Personal Property Tax	47,149	
Delinquent Tax	4,907	
Deed Transfer Tax	28,382	
Other Taxes		
Tangible Personal Property Tax	353,244	
Delinquent Tax	25,228	
Refunds	92	
Pay In Vouchers	153,755	
Deposited in wrong account	232	
Bad Checks Which Cleared in 2004	1,538	
Bad Check Charges	 100	

# CAMPBELL COUNTY JACK SNODGRASS, COUNTY CLERK SCHEDULE OF EXCESS OF LIABILITIES OVER ASSETS - REGULATORY BASIS December 31, 2003 (Continued)

#### <u>Liabilities</u> (Continued)

Unpaid Obligations:		
State Treasurer-		
Tangible Personal Property Tax	\$ 152	
Campbell County-		
Tangible Personal Property Tax	45	
Other Districts		
Tangible Personal Property Tax	494	
Piccola	47	
Additional Clerk Fees Due On Pay In Vouchers	 9537	\$ 10,275
Total Liabilities		\$ 903,544
Total Fund Deficit as of December 31, 2003		\$ (3,827)





## CAMPBELL COUNTY JACK SNODGRASS, COUNTY CLERK COMMENTS AND RECOMMENDATIONS

For The Year Ended December 31, 2003

#### INTERNAL CONTROL - REPORTABLE CONDITION AND MATERIAL WEAKNESS

County Clerk Employees Processing Mail In Registrations Should Have No Access To Cash

We discovered that a former employee processing mail in registrations had limited access to cash receipts. The discovery was based on the auditor's interview with the County Clerk, two of his employees, and the auditor's review of the internal control system. The control weakness led, in part, to allegations of fraud committed by the former employee. We believe that the control weakness is a reportable condition and a material weakness. We recommend that the County Clerk ensure that employees handling mailed in registrations have no access to cash.

County Clerk's Response:

I agree with the above comment.

County Clerk's Bank Account Has a Deficit Balance

Due to the alleged fraud committed by one of his employees, the County Clerk's bank account does not have enough funds to pay outstanding liabilities. As of December 31, 2003, the amount of this deficit was \$3,827. We recommend that the County Clerk turn this over to the proper authorities and seek restitution through the legal system.

County Clerk's Response:

Recommendations have been followed.

PRIOR YEAR:

None



# REPORT ON COMPLIANCE AND ON INTERNAL CONTROL OVER FINANCIAL REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



The Honorable Steven Pendery, Campbell County Judge/Executive The Honorable Jack Snodgrass, Campbell County Clerk Members of the Campbell County Fiscal Court

> Report On Compliance And On Internal Control Over Financial Reporting Based On An Audit Of The Financial Statements Performed In Accordance With Government Auditing Standards

We have audited the financial statements - regulatory basis of the Campbell County Clerk for the year ended December 31, 2003, and have issued our report thereon dated May 3, 2004. This was a special report on the County Clerk's financial statements prepared in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

#### Compliance

As part of obtaining reasonable assurance about whether the Campbell County Clerk's financial statements for the year ended December 31, 2003, are free of material misstatement, we performed tests of compliance with certain provisions of laws, regulations, contracts, and grants noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed an instance of noncompliance that is required to be reported under Government Auditing Standards and which is described in the accompanying comments and recommendations.

County Clerk's Bank Account Has A Deficit Balance

#### Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Campbell County Clerk's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide assurance on the internal control over financial reporting. However, we noted a certain matter involving the internal control over financial reporting and its operation that we consider to be a reportable condition. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over financial reporting that, in our judgment, could adversely affect the entity's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statements. condition is described in the accompanying comments and recommendations.



Report On Compliance And On Internal Control Over Financial Reporting Based On An Audit Of The Financial Statements Performed In Accordance With Government Auditing Standards (Continued)

#### Internal Control Over Financial Reporting (Continued)

County Clerk Employees Processing Mail In Registrations Should Have No Access To Cash

A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be reportable conditions and, accordingly, would not necessarily disclose all reportable conditions that are also considered to be material weaknesses. However, we believe the above reportable condition to be a material weakness.

This report is intended solely for the information and use of management and is not intended to be and should not be used by anyone other than the specified parties.

Respectfully submitted,

Crit Luallen

**Auditor of Public Accounts** 

Audit fieldwork completed - May 3, 2004